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July 2, 1998

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D. C. 20554

Re: *Amendment of Parts 21 and 74 To Enable Multipoint
Distribution Service and Instructional Television
Fixed Service Licensees To Engage In Fixed Two-Way
Transmissions -- MM Docket No. 97-217* and RM-9060:
EX PARTE COMMUNICATION

Dear Ms. Salas:

In response to the Commission's June 12, 1998 *Public Notice* in MM Docket No. 97-217, I am writing to express strong support of DeLawder Communications, Inc. for expeditious adoption of the new technical rules and policies proposed by the over 110 wireless cable operators, ITFS licensees, MDS licensee, equipment vendors and engineering consultants that commenced this proceeding (the "Petitioner").

As a telecommunications consulting firm which has participated intensively in the design, study and application work required of numerous ITFS and MDS stations, we believe that the Petitioners have successfully crafted a regulatory regime that protects existing MDS and ITFS operations, while at the same time permits the rapid deployment of two-way facilities in a manner that will be commercially viable. The technical rules proposed by the Petitioners, coupled with the methodologies advanced for demonstrating compliance with those rules, accomplish these objectives in a manner that is reasonable and fair. Furthermore, these rules and methodologies will allow response station installations to proceed without delay in a manner that can be easily regulated by the FCC and the wireless cable industry.

In our opinion, the criteria proposed by the Petitioners for protection against interference from response stations is extremely conservative. Indeed, if anything, the recent revisions made by the Petitioners to quell concerns regarding such interference may have made the protection methodologies too conservative, unnecessarily precluding two-way service.

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Moreover, and perhaps most importantly, as protective as the proposed technical rules and methodologies are, the Petitioners have provided the ultimate safety net -- they have proposed in no uncertain terms that any unanticipated interference will have to be cured or the response station will have to cease operations. Particularly in light of this protection, there is no reason to burden the process of deploying MDS and ITFS response stations with any of the additional requirements suggested by CTN.

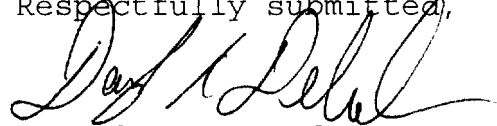
Because of the conservative nature of the proposed rules and the safety net that the Petitioners have proposed, the Commission should reject calls for limiting response station use to just a few MDS channels or requiring spectrally inefficient guardbands. As long as the 0 dB adjacent-channel desired-to-undesired (D/U) signal ratio requirement is enforced (as proposed by the Petitioners), response stations can operate without causing adjacent-channel interference. Even a 6 MHz guardband (as proposed by CTN) could preclude many ITFS licensees from ever deploying two-way services on their own channels.

DeLawder Communications, Inc. also concurs with the Petitioners that the fears of interference due to brute force overload have been greatly overblown. As the Petitioners have correctly demonstrated, brute force overload will rarely occur (and will never occur in markets where all MDS and ITFS channels are collocated and all response stations will be oriented towards the transmission site). Furthermore, the Petitioners have correctly pointed out that there are a host of techniques that can be deployed to prevent any interference before it occurs. Since the Petitioners have proposed rules under which the licensee of the response station will have to cure interference or cease operating, as consultants we have every incentive to carefully engineer the response station architecture, and take all necessary protective steps. Moreover, in the unlikely event that interference occurs despite those protective steps, other techniques exist that can be deployed to immediately cure that unanticipated interference.

Finally, DeLawder Communications, Inc. must express its concerns that this proceeding be resolved as rapidly as possible. As Commissioner Powell has noted several times, even if correct, a decision made too late might as well have never been made. We fear that could prove to be the case here. We strongly agree with the views expressed by American Telecasting, Inc. in its April 9, 1998 *ex parte* letter to Commissioner Powell that time is of the essence if MDS and ITFS channels are to be successfully deployed for two-way services. LMDS, WCS, DEMS, 39 GHz and other services are capable of providing many of the same two-way services that can be provided over MDS and ITFS. Licensees in many of those services already have a head start (not to mention a far more conducive regulatory environment). If this proceeding is permitted to drag on longer, a window of opportunity for most of our MDS and ITFS clients to deploy two-way services may pass by.

Thank you for consideration of DeLawder Communications, Inc.'s views.

Respectfully submitted,



Darryl K. DeLawder

DKD:s

cc: Hon. William E. Kennard
Hon. Susan Ness
Hon. Harold Furchtgott-Roth
Hon. Michael K. Powell
Hon. Gloria Tristani
Roy Stewart
Keith Larson
Barbara Kreisman
Charles Dziedzic
Michael Jacobs
David Roberts